EDMUND G. BROWN JR.
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General
M. TRAVIS PEERY
Deputy Attorney General
State Bar No. 261887
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-0962
Facsimile: (213) 897-2804
Attorneys for Complainant

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **MARIANNE M. NAHAG** **22928 N. Shadow Pl.** **Castaic, CA 91384** **Registered Nurse License No. 699897** Respondent.	Case No. 2011-421 **ACCUSATION**

Complainant alleges:

PARTIES

1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about March 12, 2007, the Board of Registered Nursing issued Registered Nurse License Number 699897 to Marianne M. Nahag (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2010, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

7. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

///

SUMMARY OF FACTS

9. On or about October 29, 2008, Respondent was working a shift from 0700 hours to 1900 hours at Hollywood Presbyterian Hospital. At or about 1100 hours an additional nurse, Angie Park, arrived at the hospital. Upon the arrival of Nurse Park, Respondent gave Nurse Park the eight (8) patients Respondent had been caring for and advised Nurse Park that the patient in room 430 needed a blood transfusion. Upon Nurse Park's arrival, Respondent became the charge nurse. When Nurse Park received the blood bag for the patient in room 430, she went to the nurses' station where she and Respondent verified the order with the information on the blood bag. After the two nurses had verified the information at the nurses' station, Nurse Park left with the blood bag to start the transfusion. Respondent and Nurse Park never confirmed at the patient's bedside, as required by hospital policy, that the patient's name, date of birth, and medical record number on the patient's wristband matched the information on the transfusion bag.

10. The blood transfusion was for the patient in room 430 but Nurse Park took the blood to "Patient AA" in room 437. At or about 1545 hours, Nurse Park checked Patient AA's vital signs and began the transfusion. Patient AA's blood type was O-positive but the blood he received was A-positive.

11. As a result of receiving A-positive blood during the unordered blood transfusion, Patient AA suffered a severe hemolytic reaction and died on October 29, 2008 at 2056 hours.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

12. Respondent is subject to discipline under Code section 2761, subdivision (a)(1) on the grounds of unprofessional conduct as defined under California Code of Regulations, title 16, section 1442, in that on or about October 29, 2008, while on duty as a registered nurse at Hollywood Presbyterian Hospital, Respondent was grossly negligent in the following respect:

13. Respondent failed to follow established hospital policy and procedure while conducting a pre transfusion patient identification check. Respondent failed to check the patient's identifiers (name, date of birth, and medical record number) against the unit of blood at the

patient's bedside. As a result of this failure, blood was given to the wrong patient, the patient developed a sever hemolytic transfusion reaction, and died. Complainant refers to and incorporates all the allegations contained in paragraphs 9 – 11, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 699897, issued to Marianne M. Nahag;

2. Ordering Marianne M. Nahag to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: 11/8/10

for LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

LA2010500625
60569746.doc